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ABSTRACT

In this handbook, single parents will find a description of the basic steps to follow in child support enforcement and a discussion of the enforcement methods that get the best results. Specifically, section I explains how to apply for child support enforcement services and tells what they cost. Section II discusses the necessity for locating the absent parent. Sections III and IV concern, respectively, the establishment of paternity and the support order. Section V focuses on enforcing the support order, and section VI addresses the issue of interstate cooperation in obtaining and enforcing support payments. Section VII concludes by offering general suggestions to single parents utilizing the child support enforcement system. Appendices provide a glossary of child support enforcement terms, addresses and telephone numbers of regional offices of the Office of Child Support Enforcement and state child support enforcement offices, and record-keeping forms. (RH)

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Kids. They're worth every penny.

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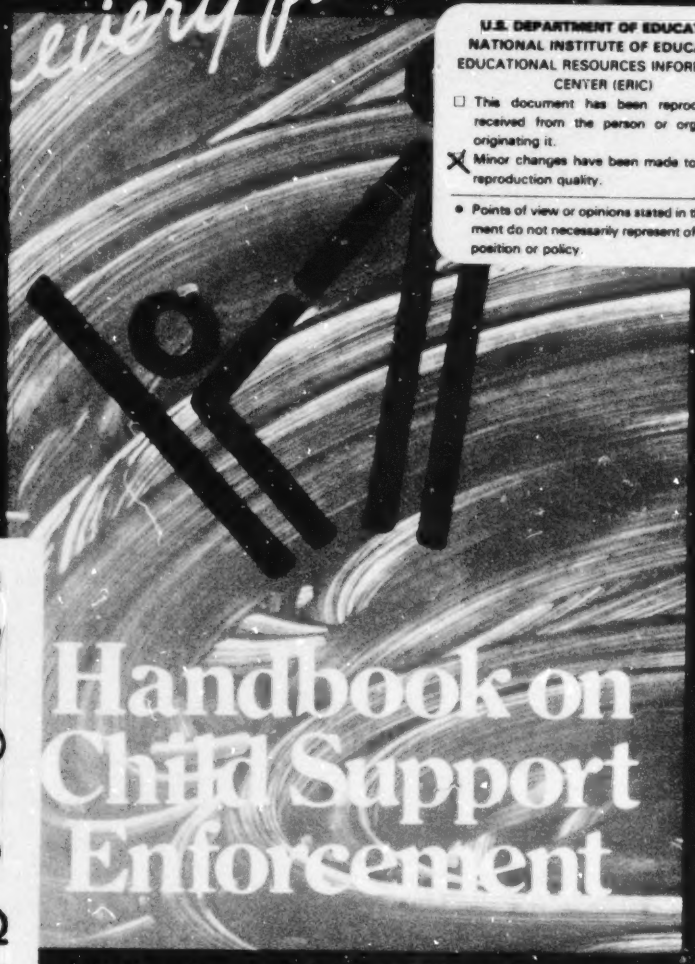


Handbook on Child Support Enforcement

PS 015158

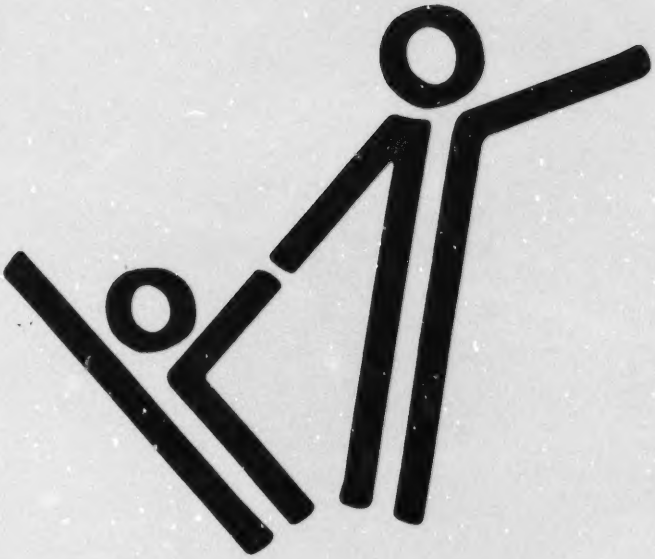
U.S. Department of Health and Human Services
Office of Child Support Enforcement

2

The Child Support Enforcement program is a Federal/State/local effort to collect child support from parents who are legally obligated to pay. Its goals are threefold: to ensure that children are supported by their parents, to foster family responsibility, and to reduce the costs of welfare to the taxpayer. State enforcement programs locate absent parents, establish paternity, establish and enforce support orders, and collect child support payments. While programs vary from State to State, their services are available to all parents who need them.

Established in 1975 as Title IV-D of the Social Security Act, the Child Support Enforcement program functions in all States and territories. It is usually administered through State and county Social Services Departments, though many States have agreements with prosecuting attorneys, other law enforcement agencies, and officials of family or domestic relations courts to carry out the program at the local level.

The role of the Office of Child Support Enforcement, in the U.S. Department of Health and Human Services, is to help States develop, manage, and operate their programs effectively and according to the rules of Federal law. The Office pays for a major portion of State program operating costs, provides policy guidance and technical assistance to enforcement agencies, conducts audits and educational programs, supports research, and promotes initiatives for program improvement.



Handbook on Child Support Enforcement

U.S. Department of Health and Human Services
Office of Child Support Enforcement
6110 Executive Boulevard
Rockville, Maryland 20852

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

Dear Parent,

In this Handbook on Child Support Enforcement you will find a "how-to" guide for getting the child support payments which are owed to you and your children.

We have written it to help you close the enormous gap which still exists between the dollars owed the children of America and the dollars paid by financially responsible parents. Improved child support enforcement is an issue whose time has come; it is an issue which will remain a priority of mine until that gap is closed. Forever.

Child support enforcement laws throughout the country were greatly strengthened this summer when Congress passed the "Child Support Enforcement Amendments of 1984." This new law brings many new changes to the Federal/State Child Support enforcement program. I hope this book will help you to understand the laws and will assist you in obtaining your child support.

The President, the Congress and I have renewed our commitment to making child support enforcement work in this Country. We fully expect the fifty states to help us implement the new law. Now its your turn!

I dedicate this Handbook to the millions of parents and children whose lives depend so critically on receiving fair and full child support payments.

Margaret M. Heckler

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TABLE OF CONTENTS

I. INTRODUCTION 1

How to apply for child support enforcement services...what they cost

II. FINDING THE ABSENT PARENT: LOCATION 6

The initial search...Federal and State Parent Locators

III. ESTABLISHING FATHERHOOD: PATERNITY 8

Benefits...necessary evidence...consent agreement

IV. ESTABLISHING THE SUPPORT ORDER: OBLIGATION 10

Deciding the amount...changing the amount

V. ENFORCING THE SUPPORT ORDER: ENFORCEMENT 13

Techniques that work

VI. WORKING ACROSS STATE LINES: INTERSTATE COOPERATION 18

How to collect payments in another State...tracking your case

VII. CONCLUSION 22

APPENDIX 23

Glossary of Child Support Enforcement Terms 23
Regional Offices of the Office of Child Support Enforcement. 26
State Child Support Enforcement Offices 29
Child Support Enforcement Records 35

I. INTRODUCTION

Are you a single parent—divorced, separated or never married—with children to support?

Do you need help obtaining a child support order?

Do you need help collecting child support payments from the parent who is under a legal order to pay?

In this *Handbook*, you will find the facts you need about child support enforcement: the basic steps to follow and what enforcement methods get the best results. Whether you are working with your State or local Child Support Enforcement program or your own attorney, knowing these things can help you collect the child support that is due your children. The *Handbook* is organized so that you can refer directly to the sections you need.

For the most part, child support enforcement problems are handled through local family and domestic courts, according to State and local laws and practices. Some States use **administrative procedures*** or other expedited legal procedures for establishing and enforcing support orders.

Working with the agreements that parents make, and considering the welfare of the children first, courts, judges or other legally empowered officials decide:

- Who is responsible for taking care of the children: *Custody*
- How much the child support payments will be: *Amount of Obligation*
- On what terms the child and the parent who is absent from the home can see each other: *Visitation*
- How support can be collected when payments are not made: *Enforcement*

***Words in bold type are defined in the Glossary beginning on page 23.**

The Child Support Enforcement Amendments of 1984 bring important reforms to the Child Support Enforcement program. The new law requires States to use proven enforcement methods, and to use new ways to improve their effectiveness in handling the cases of all families who apply for child support enforcement services. Most of these new requirements become effective October 1, 1985.

Because States may differ in the methods they use to comply with the new law, and because some States will be able to implement the new law more quickly than others, you should be aware that there will be significant differences among the States regarding how and when these new enforcement techniques are available. Any questions you have about how the requirements of the new enforcement law can be applied to your case should be directed to your local child support enforcement office.

Your State's Child Support Enforcement program, whose services are available to all parents who need them, can help you:

- Find the absent parent: *Location*
- Establish legal fatherhood for children: *Paternity*
- Establish the legal support order: *Obligation*
- Collect child support payments: *Enforcement*

The Child Support Enforcement program does not handle other problems that people often have along with child support problems. Problems such as property settlement, visitation and custody are not, by themselves, support enforcement issues, and by law, the Child Support Enforcement program cannot extend its services to enforce court orders pertaining to them. They must be handled at the local level with the help of a private attorney.

The person you will be working with at your enforcement office may be called a caseworker, investigator, enforcement worker, collection specialist, or child support worker. The term "caseworker" will be used throughout this *Handbook*. Also, the words "court" or "judge" mean the official agency having the authority in your State to make legally binding decisions.

Remember: the more you know about child support enforcement in your State and where the other parent lives, the more success you will have in obtaining regular and full child support payments for your children.

Who can get help?

Any parent who needs help establishing a support obligation or collecting child support payments from the **obligated parent** can apply for child support enforcement services. Persons applying for or receiving assistance payments under **Aid to Families with Dependent Children (AFDC)** or federally-assisted foster care payments automatically receive child support enforcement services.

Where do I apply for help in obtaining child support?

Through your local child support enforcement office. The number can be found in your local telephone directory usually under the State/County social services agency.

Is there an application fee?

AFDC recipients do not have to pay for child support enforcement services. For all others, the State can charge a fee up to $20 ($25 beginning October 1985). Some States charge the full fee, some less, and some States absorb the fee or seek collection from the other parent. The application fee may also be set according to a sliding scale based on income.

Are there any other costs?

Child support agencies can recover the actual costs of their services from those who are not AFDC recipients. They may include the cost of legal work done by agency attorneys and costs for locating an absent parent. Such costs may be deducted from the child support that is collected or may be collected from the other parent. Not all States recover the costs of their services, and again, they vary in which parent may be asked to pay. Your local child support enforcement office can tell you more based on the practices of your State and the characteristics of your case.

My State recovers costs from the custodial parent. How will I know how much will be deducted from my support checks?

Your caseworker should be able to give you an estimate of the costs involved in your case, and tell you approximately how much they will deduct from each check before sending it on to you.

Will there be an extra cost if the enforcement agency is dealing with the enforcement agency in another State?

Depending on the States involved, there may be extra costs if more than one State is handling your case. Ask your caseworker to estimate these costs, if any.

Will the enforcement agency keep track of my child support payments to make sure they keep coming? I am not on AFDC.

Usually. In forwarding the payments to the family, many agencies monitor payments to make sure they are made regularly and fully. But because agencies vary in how closely they can monitor payments, it is also up to you to inform the agency if payments are late or in the wrong amount. When you monitor your own case, you can keep the agency informed so that they can act quickly if needed.

The father of my child lives across the State. I cannot afford to take the time off from work or travel there to appear in court. How can I get enforcement of my child support?

Usually, a court order entered in a State is enforceable throughout the State. Most local child support enforcement offices handle enforcement in different court jurisdictions in the same State without your having to travel outside your own jurisdiction. Discuss this matter with your local enforcement office for details about how intrastate enforcement would work in your case.

I am applying for assistance under AFDC. Do I have to seek child support from the children's father?

As a condition of eligibility for AFDC, you must cooperate with the child support enforcement office in identifying and seeking child support from the father, unless it would not be in the child's best interest. Also, you must sign over to the State your rights to support. Any payments collected on your behalf (except up to the first $50 of current support collected each month) go toward reimbursing the State and Federal governments for AFDC payments made to the family.

I am applying for AFDC, but I am afraid that the father may try to harm me or the children if I cooperate in identifying or finding him. What should I do?

Under certain conditions the AFDC authorities may agree that you will have good cause for refusing to cooperate in identifying and locating the father. You will have an opportunity to explain the situation to your caseworker and provide supporting information.

My children and I need financial assistance now. Their father left us ten years ago. Will they still try to find him?

By law, the enforcement agency must try to find the absent parent, based on the information you are able to give.

If they can't find him, does that mean I can't get AFDC?

No. As long as you have cooperated to the best of your ability. Also, AFDC payments are made to you while efforts to obtain child support are going on.

What does the child support enforcement agency need to know?

No matter where you start—establishing who the father is, finding the absent parent, establishing or enforcing a support order—the child support enforcement office must have all the pertinent facts in order to pursue your case successfully. Much of this information is highly personal. Be assured that the information you give will be treated in confidence.

What documents do I need to bring to the enforcement agency?

When you go to the child support enforcement office, bring as much from the following list that applies.

- name and address of the parent obligated to pay
- absent parent's social security number
- children's birth certificates
- your child support order
- your divorce decree or separation agreement
- name and address of the current or most recent employer of the obligated parent
- names of friends and relatives and names of organizations to which the parent might belong
- information pertaining to income and other assets—payslips, tax returns, bank accounts, investments or property holdings
- any other information about who and where the absent parent is

II. FINDING THE ABSENT PARENT: LOCATION

To obtain an order for support, and in most cases, to enforce that order, you must know where the absent parent lives or works. This is also true for establishing the paternity of your child if that should be necessary. When a legal claim is made by one person against another, the **defendant** must be given adequate notice of the legal action taken and the steps necessary to protect his or her rights. So to notify the **obligated parent** in advance—either by certified mail or in person—child support enforcement officials must have a correct address. If you do not have the address, the child support enforcement agency can help you find it.

I think the children's father is still in the area. What information will the enforcement office need to find him?

Most important is the current employer's name and address; also helpful are the names, addresses and phone numbers of any relatives, friends, or past employers who might know where he works or lives. Leads might also come from the names of local clubs or organizations to which he belongs and it may help to know where he is likely to be spending his free time. Finally, information about local creditors, such as banks or utility companies might yield a home address.

What if the other parent cannot be found locally?

Your local enforcement unit will ask the State enforcement agency to continue the search. Using the social security number, the State Parent Locator Service (SPLS) will check the records of other State agencies such as motor vehicle registration, unemployment insurance, income tax, and correctional facilities. If the SPLS search finds that the parent has moved to another State, it can ask the other State to search. At the same time, it can send a request to the **Federal Parent Locator Service (FPLS).**

What resources does the FPLS have?

With certain minimum information such as the absent parent's name and social security number, the FPLS can search for a current address in the records of the Internal Revenue Service, the Department of Defense, the National Personnel Records Center, the Social Security Administration, and the Veterans Administration. Any information found is sent back to the State or local enforcement agency.

What if I don't have the social security number?

Places where you might find the social security number are easily overlooked. Check hospital records where the absent parent might have been a patient, police records, bank accounts, old insurance policies, credit cards, payslips, or State and Federal income tax returns. Also, any past employer or business associate may have records which could give you the number. If you still cannot find the social security number, your caseworker can try to find it by using the FPLS. To do this, the caseworker will need to know the parent's place and date of birth, and the names of the parent's mother and father.

Can I or my lawyer directly ask the FPLS to find an address for the other parent?

No. You or your private attorney can submit a request to use the FPLS only through the State child support enforcement agency.

Can State and Federal location efforts be made at the same time?

Yes. For instance, a search can be initiated by the State to another State and to the FPLS at the same time.

Can enforcement agencies use the Federal income tax return to find out where the absent parent lives and what he or she makes?

Yes. Under closely monitored conditions, the IRS, working through the State and Federal Child Support Enforcement agencies, can disclose certain information from the tax return to the child support office which will be helpful in finding an absent parent and determining his or her financial assets. The information can *only* be used for the purpose of enforcing child support payments.

What will happen after I give the caseworker the current address of the other parent?

The worker will verify the home and work addresses, then may ask the parent to come to the agency for an interview, or notify him that legal action may be taken.

The father of my child is in the military, but I don't know where he is stationed. Can the enforcement agency find him?

Yes. Using the FPLS, current address information can be obtained from the Department of Defense.

III. ESTABLISHING FATHERHOOD: PATERNITY

A support order cannot be established for a child until either the alleged father admits or it is proven that he is the father. How the legal relationship of paternity is established is a matter of State law. In nearly all States, the father can acknowledge his paternity simply by signing a written admission or **consent agreement**. Most fathers voluntarily do this when confronted, so that very few cases actually go to court. The agreement, usually signed under oath, is filed with the court and becomes a legal document establishing paternity. If the man will not admit that he is the father, the case may have to go to trial.

If you want the father to assume legal responsibility for the child, it is important to establish paternity as soon as possible. Under the new Federal law, State enforcement agencies must have procedures for, and must try to establish paternity for any child up to the child's eighteenth birthday.

What are the benefits of establishing paternity?

Once paternity is established legally, your child gains most of the legal rights and privileges that a child born within marriage has. Among them may be rights to inheritance, rights to the father's medical and life insurance benefits, and to social security and possibly veterans' benefits. The child also has a chance to develop a relationship with the father, and to develop a sense of identity and connection to the "other half" of his or her family.

What will the enforcement caseworker need to know to try to establish paternity?

The caseworker needs as much information as you can give about the alleged father and the facts about your relationship with him, your pregnancy, and the birth of your child. The caseworker will also want to know whether he ever provided any financial support, or in any other way acknowledged—through letters or gifts—that the child was his. A picture of the alleged father with the child is helpful, as well as any information from others who could confirm your relationship with him.

What if he denies he is the father, or says he's not sure?

Paternity can be determined by the evidence presented to the court, including highly accurate blood tests given to the man and the child. These tests can exclude about 95 percent of wrongly accused men and can also indicate the likelihood of paternity if he is not excluded. This is one reason why so few paternity cases go to trial.

If blood tests are necessary, who pays for them?

This varies. In some States, if the father is identified by the tests, he must assume his financial responsibility at once, and pay for them. In other States, if the mother is not a AFDC recipient, she may have to help pay for them.

The father of my child said I would never get a paternity judgment on him because he'd just leave the State. What happens in this case?

If the accused father is found and fails to respond to a formal **complaint** served upon him, a **default judgment** can be entered in court establishing paternity. At the same time, a court order for support may be issued. This order is enforceable in other States.

My boyfriend and I are still in high school, and our baby is 6 months old. Why should legal paternity be established if the father has no money to support the child?

Because when the father gets older and starts working, he will be able to support the child. Having paternity established legally, even if the order for support is delayed, means collecting child support will be easier later on.

What happens after paternity is established?

The caseworker may discuss the child's needs with the father and what he is able to pay. Or, the parents may work out the terms of support with each other and with the caseworker and sign a **consent agreement**, which, in most States, will need to be approved by the court. The agreement is made into a legal order spelling out how much is to be paid, and when. The court may also include at this time the exact terms of custody, visitation, and other parental rights. If you cannot work out an acceptable agreement that is in the best interests of the child, you or the father can request a formal hearing.

IV. ESTABLISHING THE SUPPORT ORDER: OBLIGATION

A legal order for child support spelling out the amount of the **obligation** and how it is to be paid is required for enforcement when and if it becomes necessary. Data from the United States Census show that of the 8.4 million women caring for children with no father present, only 5 million have legally binding support orders.

Establishing an enforceable support order depends on how much success you, your caseworker or lawyer have in several critical areas: locating the absent parent, identifying his or her ability to pay (both present and potential), and determining the financial needs of the child.

Many States today have arrangements for establishing the support order by an **administrative procedure** or other expedited legal procedure, in which the case does not have to be heard by a judge in court. The hearing may be conducted by a master or a referee of the court, or by an administrative hearings officer.

An agreement made between the parents and approved by this kind of agency, generally has the same effect as one established in court, and is legally binding on the parties concerned. The agreement that the parents make should contain provisions that enhance the child's present and future overall well-being. It may be useful to discuss these issues together if you can, or with a mediator or family counselor.

What kinds of guidelines do judges use when deciding the amount of the support?

Usually, this decision is based on the child's needs and both parents' abilities to pay. In actual practice, there is a great deal of variation among courts throughout the country in establishing support amounts. The court or enforcement agency may consider the parents' earning potential and any other dependents the obligated parent may have.

How does the caseworker find out about the other parent's income or assets? I know very little about what he owns or makes.

The caseworker will make every possible effort to identify the parent's employment, property owned, and any other sources of income or assets. This information will usually be verified before the support order is final.

I'm sure the other parent is willing to pay support. Can we make an agreement between ourselves and present it to the court?

If parents can cooperate and agree, all the better. You can get help from a lawyer, divorce mediator or family counselor. The court's sole interest in your agreement is to see that it is fair to all parties, that the welfare of the children is protected, and that the agreement is enforceable.

Are the earning abilities of both parents considered in setting the amount of support?

If the **custodial parent's** earnings make a significant contribution to the support of the child, they will probably be considered in setting the amount of the support order. Parents who can work out a fair support agreement between themselves will have a better chance of having their wishes recognized in court.

My wife and I are working out a joint custody agreement. How would the court decide the amount of child support for each of us?

Naturally, that depends a lot on the terms of your agreement. But the same two rules of thumb would apply: each parent's ability to pay and the needs of the child.

My husband's income is enough to support us without a sudden drop in our standard of living after the divorce. Do the courts consider this?

Though these decisions, again, are often made with a good amount of individual judgment, most agree that the child's standard of living should not diminish upon divorce if the money is there to maintain it. Of course, parents can try to have the amount of support changed if their financial situations change.

What can I do to get my support increased if it is too low?

If you go to your child support enforcement office for a modification of your order, they will need to determine the present income and assets of the obligated parent, together with your financial situation and the needs of the child. The agency can then seek a legal modification.

My ex-husband has remarried and has another family to support. How will this affect the support that my children are due?

The courts have generally held that even though the **obligated parent** acquires a second family, this does not eliminate his or her responsibility to the first family. In some States, the judge may, upon request of the absent parent, grant a decrease in the amount of the existing obligation, but you should be notified beforehand, and given an opportunity to contest the proposed change.

Can I require my children's father to include them under the group health insurance he gets where he works?

Yes. Medical support can be included in any support agreement. The child support enforcement agency will request it to be included if you will be receiving AFDC, and you can ask that medical support be included if you are not applying for assistance.

The father of my child is in jail. Can I get support?

The father continues to be obligated for support, and past-due support may accumulate while he is in jail. But unless he has other assets, such as property or any income such as wages from a work-release program, it is unlikely that support can be collected while he is in jail. However, your support order may be modified so that payment is deferred until he is released and working.

V. ENFORCING THE SUPPORT ORDER: ENFORCEMENT

A main objective of the Child Support Enforcement program is to make sure that child support payments are made regularly and in the correct amount. While many non-custodial parents are willing to pay child support and continue to be involved in their children's lives, lapses of payment do occur. When they do, a family's budget can be quickly and seriously threatened, and the anxiety the **custodial parent** feels can easily disrupt the family's life.

When payments diminish or stop altogether, the custodial parent must seek enforcement of the support order. Keep in mind as you go through this section several cautions which are repeated elsewhere in this *Handbook*:

- Enforcement techniques and court practices vary from State to State.
- Cooperation is better between some States and localities than others.
- Judges exercise a great deal of individual judgment in their decisions.
- The more you know about what enforcement techniques can be used in your case, the more successful you will be in having them applied.

Initially, the enforcement agency will try to encourage voluntary payment by the parent who is obligated to pay child support. Sometimes, regular and accurate payments are made in response to regular monthly billings by the enforcement agency, from voluntary wage assignments, or by telephone reminders. Some enforcement agencies send out regular delinquency notices or use mailgrams to elicit regular payments.

Most States have laws which allow them to use more vigorous enforcement techniques, such as **liens** on property owned by the debtor, orders to withhold and deliver property that may satisfy the debt, or a seizure and sale of property, with the proceeds from the sale applied to the support debt. Some of these methods can be used by the enforcement agency without directly involving the courts.

When initial efforts fail, your caseworker can pursue an array of different and stronger enforcement techniques, such as **wage withholding, garnishment** and **offset** of State and Federal income tax refunds. It is *essential* to seek the guidance of your caseworker or attorney on what enforcement methods are available under present State law. The information that follows is intended only to inform you about methods available under State laws required by the new Federal law.

The children's father refuses to pay child support, but owns a good deal of property in the county. Can a lien be issued at the same time the order for support is established in court?

Yes. But you must remember a **lien** on property does not by itself result in the immediate collection of any money, it only prevents the owner from selling or transferring the property until the child support debt is paid. However, the presence of a property lien may encourage the obligated parent to pay the past-due child support in order to retain clear title to the property.

Is it possible to collect the support payments from personal property the absent parent has?

Under some State laws, the enforcement official can issue an order to withhold and deliver. The order is sent to any person, company, or institution that is holding property belonging to the debtor. The property may be a bank account, investments, or personal property. The order is served on the holder of the property, who must then deliver it either to the enforcement agency or to the court that issued the support order. Some States permit the property to be attached or seized and sold to pay the debt.

Isn't there a new Federal law that makes wage withholding for child support automatic?

Yes. The Child Support Enforcement Amendments of 1984 require States to impose automatic mandatory **wage withholding** for all cases being enforced by the State or local child support enforcement agency, whenever the amount past due is equal to 30 days support or less if the State law permits. Withholding begins automatically when the **default** occurs, and the parties do not have to appear in court. Also, under the new Federal law, all support orders issued or modified in the State after October 1985 must include a provision for wage withholding when **arrearages** occur. This will allow you to collect support through wage withholding if you use a private attorney rather than the child support enforcement agency. States will set the conditions under which wage withholding will apply, and they can, if they choose, apply withholding to other kinds of income in addition to wages.

Can I have the wage withholding applied to my existing child support order?

Yes, if your State has implemented this provision of the Federal law, you can apply for the **wage withholding** through your local child support enforcement office. Though there are limits on how much of a person's check can be withheld, wage withholding can be used for both ongoing support and **arrearages.** Ask the enforcement agency how this can be done.

My child's mother works for a large corporation and has moved several times in her job. Can automatic withholding work in this case?

Yes. Under the new Federal law, States must recognize the wage withholding orders from other States, and continue the wage withholding as ordered, without regard to where the absent parent or the custodial parent and children live.

My ex-husband has a good job and is willing to have the payments deducted from his paycheck, but his employer won't do it. What can I do?

Under the new Federal law, an employer *must* withhold the support if ordered to, or if the absent parent requests it. If you run into problems with a reluctant employer, seek the assistance of your enforcement office.

The children's father works irregularly, and is paid cash. Wage withholding won't work for me. What will?

Automatic billing, telephone reminders, and delinquency notices from your enforcement agency might convince him to make regular payments. Other techniques, such as property attachment, tax refund offset, garnishment, and liens might work for the arrearages. If none of these is successful, your enforcement office can take the case to court for stronger enforcement methods.

My State has not yet implemented automatic wage withholding. Can regular child support payments be made by garnishment?

Garnishment is usually a one-time deduction from a paycheck or other income to satisfy an accumulated debt, or arrearage in child support payments. Some courts may issue an order for "continuous garnishment" until the debt is satisfied or for current child support. But there are also rules about how long the garnishment can be in effect and how much of a paycheck can be taken. Since garnishment is regulated by each State, you will want to ask your enforcement caseworker or attorney about the laws where you live.

My ex-spouse is in the Army. How do I go about having child support payments deducted from a paycheck?

Under Federal law, military allotments for child and spousal support can be either voluntary or involuntary. That is, if a servicemember is not meeting a

support obligation and will not agree to have payments allotted from his or her paycheck, a military official (usually the finance officer) can have the payments deducted in accordance with the support order. Again, there are limits on the amount of the check that can be deducted. Ask your enforcement office for information on how to start this action.

My children's father retired from the Navy when he was only 40, just before our divorce. Can his military retirement check be garnished for back child support?

Yes, it is possible to garnish the wages of active, reserve and retired members of the military and Federal government civilian employees. With the assistance of your enforcement caseworker or lawyer, you can get a garnishment order from the court, and send it together with a certified copy of your child support order to the designated military official. Again, your local enforcement office can tell you the exact procedures and follow through on your behalf.

The children's mother works for the U.S. Postal Service. She was recently transferred and stopped making payments. What do I have to do to get them started again?

If you cannot learn from the local postal officials where she has transferred, your enforcement agency can locate her by asking the **Federal Parent Locator Service** to search the Federal records. The address of her new duty station will be sent back to the agency, and after it is verified, the agency can pursue wage withholding for support payments. The new wage withholding law can be used for all employees of the Federal Government.

Can past-due child support be taken from the State income tax refund?

Under the new Federal law, by October 1985, all States must offset State income tax refunds for past-due support owed to *both* AFDC recipients and non-AFDC recipients.

How does the non-paying parent find out that his or her State tax refund will be taken?

The State must notify the absent parent in advance of taking the action. The notification specifies the amount owed in arrears and the amount to be offset. It also notes who to contact if the person wants to contest the offset.

Can Federal income tax refunds be offset the same way?

Yes, under the new Federal law, States can request an offset of Federal income tax refunds for past-due support owed to persons not receiving AFDC as well as to AFDC recipients.

The children's father lost his job and is collecting unemployment compensation. Can child support payments be deducted and sent to me?

Yes. Unemployment compensation, and other State and Federal benefits can be tapped for child support. Ask your enforcement caseworker for details about the procedures, and whether they are fully operative in your State.

Doesn't the Internal Revenue Service also have methods it can use to help us get the support owed?

Yes, there are several, but they are only available through the authority of the Federal/State Child Support Enforcement program. Your caseworker may be able to make a request for use of the IRS "full collection" technique, or for an offset of the absent parent's tax refund for past-due amounts. Contact your caseworker for more information.

By my own calculations, my husband owes me $3,475 in past due child support. Can the enforcement agency try to collect it for me?

If this support was owed before the child support enforcement agency became involved in your case, the agency has to verify the amount owed. Then it may have to present the documentation to a court before it can start collection procedures. While it is doing this, the agency can try to collect support payments for current months.

I heard that my children's father is buying a very expensive car. He owes over $5,000 in back support. Can the credit agency be told this?

Yes, according to the new Federal law, the enforcement agency must report the amount of child support owed if the amount is over $1,000, and if the agency believes this is appropriate for your case. The request for the information would have to come from the consumer credit agency. The child support agency can report lesser amounts, if it chooses.

The other parent does not work regularly and repeatedly falls behind in his child support payments. Is there any way the court can establish regular payment?

As mentioned before, property liens and attachments might work. In certain cases the new Federal law also authorizes that the parent be required to post security, bond, or other guarantee to cover support obligations. These may be in the form of money or property. Ask your enforcement caseworker if these might be applied to your case.

VI. WORKING ACROSS STATE LINES: INTERSTATE COOPERATION

The most difficult child support cases to pursue are where the parent obligated to pay child support lives in one State, and the child and custodial parent live in another. However, efforts are now being made to help State child support enforcement agencies improve their ability to handle other States' requests for help in locating absent parents, establishing paternity, establishing and modifying support orders, and enforcing support orders.

By law, State enforcement agencies *must* cooperate with each other in handling each other's requests for assistance. In practice, it is not a simple matter for one State to enforce automatically the court orders of another State. Each State is self-governing, which means each has an independent court system with varying laws, practices and traditions. Matters of family law have traditionally been considered the province of State and local governments, and, in general, citizens fall under the personal **jurisdiction** of courts where they live.

The primary legal tool for interstate enforcement is the Uniform Reciprocal Enforcement of Support Act (URESA). All States have their own URESA laws, and rely heavily on them for pursuing enforcement in other States. The basic mechanism of URESA is the two-state lawsuit in which the enforcement official (or the private lawyer) files a petition with the enforcement agency or court in another State. Where the URESA provisions between the two States are compatible, the law can be used to establish paternity, locate an absent parent, establish, modify, or enforce a support order.

Aiding the States in their ability to successfully enforce interstate cases are the new Child Support Enforcement Amendments of 1984. This new law promotes uniformity among State laws and requires States, for the first time, to use proven enforcement techniques, several of which will apply across State lines. It also gives States specific financial incentives for improving their efficiency in processing enforcement cases, including interstate cases, for AFDC and non-AFDC families alike.

I know the address of my children's father in another State, and my caseworker sent a petition to establish my support order there. That was three months ago, and still no support payments. What's wrong?

It may be any number of things: enforcement officials may not be able to serve notice on the obligated parent due to inadequate address information; if a hearing is necessary, it may take a while to get a court date. Remember that the demand for enforcement services is high and interstate pursuit is not a simple matter. Continue to keep in close touch with your caseworker to resolve any delay or to provide any new information you may have.

I need to establish paternity for my child, and the father lives in another part of the country. How does this work?

Because State paternity laws vary widely, it is very difficult to establish paternity across State lines. Most States have either a **long arm statute** or other laws such as URESA that enable them to establish **jurisdiction** over the alleged father in another State, or refer the case for prosecution in the State where the father lives. If an attempt is being made to establish paternity according to the laws of the other State, the URESA petition sent to the State must include all the information required by the laws of that State, not the home State. Frequently, blood tests will be ordered to help the court in the other State determine paternity. Ask your caseworker for specific information about the laws in your State and the State where the other parent lives.

My caseworker filed a URESA petition for paternity. The father denied it, and the other court just dismissed the case. What went wrong?

Sometimes, if the responding State decides the evidence is insufficient, it will not proceed to establish paternity. If the petitioning State has limited information to start with, or does not include all the available evidence when it submits the petition, the responding State has little to go on if it does not try to obtain the missing information. Needless to say, in any interstate petition, full communication between jurisdictions will get the best results. If you have additional information that was not submitted with the petition, contact your caseworker.

If paternity is established in another State, will the support order also be entered in that State?

Yes. Ask your caseworker how this is done.

I have had to wait several months for my enforcement agency to get a reply to its request for location assistance in another State. Why does it take so long to get an answer?

Even though they try to be responsive, most enforcement agencies have a very high demand for their services and they have to set priorities among the cases they receive. A State's ability to act rapidly depends on the characteristics of the case, the quality of information received, the amount of staff and other resources they have to devote to it, and what priority they assign to it. Be sure to follow up regularly with your caseworker.

As soon as the children's father is notified about enforcement, he moves. How will I ever be able to collect my support?

Many custodial parents feel angry when, after an absent parent is finally located, he or she is served notice of the enforcement action, which at the same time, spurs the parent to move on. Unquestionably, it is difficult to enforce child support payments when the obligated parent intentionally and continually moves to avoid paying. You may want to suggest that papers be served at the parent's place of work, then try to keep track of the parent's movements afterwards. Try to be an active participant in your own case. Whenever you learn that the absent parent has moved or has a new job, you should bring this information to the attention of your enforcement caseworker as soon as possible.

My former wife lives in another State. She owns an expensive car, jewelry, and several pieces of property. Would a URESA petition let me attach this property for child support?

This may be possible after a judgment is obtained in the State where she lives. Before filing the petition, your enforcement worker or lawyer may be able to see if a "withhold and deliver" or "attachment" of the property could be successfully carried out.

Will location and enforcement services cost more if my agency is dealing with another State? I am not receiving AFDC.

Possibly. It depends on the kinds of actions the agency has to take to find the absent parent and to establish regular payment. Again, the more solid information and leads you provide, the more efficiently your case can be conducted. For non-AFDC cases, States vary in what they may charge for application and collection fees. Your caseworker should be able to tell you more about these costs in your particular case. (See discussion in **Introduction.**)

I don't have a support order. Can I have one established by petitioning the court where my ex-husband lives?

Yes, this can also be done by your enforcement agency in a URESA petition. An affidavit of all the pertinent facts, including the name and address of the responsible parent, details of your financial circumstances, and the needs of the child will be included. The petition will be mailed to the enforcement agency, the court, or the URESA official where the father lives. The court in the responding State will review this information together with information regarding the father's ability to pay, and set the amount to be paid.

VII. CONCLUSION

The success you have in obtaining regular, adequate, and full child support payments depends to a great extent on how well you can make the child support enforcement system work for you. At the same time, it is important to remember that not all the solutions to your child support problems are within your control. The legal rights and welfare of all parties must be carefully guarded, and sometimes this means that what is considered fair to one party is considered unfair to another.

Knowledge is power. The more you know about child support enforcement procedures where you and the obligated parent live, the better you will be able to exercise your rights and responsibilities under the law, and the more successful you will be in obtaining the support that rightfully belongs to your children. As you proceed with your enforcement case, it is a good idea to keep a written account of the actions taken and the outcomes of those actions. Do not hesitate to ask questions and make suggestions to your enforcement caseworker. If you are not satisfied with the actions taken on your behalf, you have recourse to the head of the county child support enforcement office as well as to the Director of the State Child Support Enforcement agency. Keep in mind that it is always best to communicate the problem in writing.

An informed parent can make the child support enforcement system work. This, together with improvements that State enforcement programs, legislatures and the courts are making, can benefit millions of parents and their children.

APPENDIX

GLOSSARY OF CHILD SUPPORT ENFORCEMENT TERMS

absent parent	the parent who does not live with or have custody of the child but does have responsibility for financial support
administrative procedure	method by which support orders are made and enforced by an executive agency rather than by courts and judges
Aid to Families with Dependent Children (AFDC)	assistance payments made on behalf of children who are deprived of the financial support of one of their parents by reason of death, disability, or continued absence (including desertion) from the home; known in many States as ADC, Aid to Dependent Children
arrearages	unpaid child support payments for past periods owed by a parent who is obligated to pay
assignment of support rights	a person receiving public assistance agrees to turn over to the State any right to child support, including arrearages, paid by the obligated parent in exchange for receipt of an AFDC grant and other benefits
complaint	written document filed in court in which the person initiating the action names the persons, allegations, and relief sought
consent agreement	voluntary written admission of paternity or responsibility for support
custodial parent	person with legal custody and with whom the child lives; may be a parent, other relative or someone else

default	failure of a defendant to file an answer, response, or appeal in a civil case within a certain number of days after having been served with a summons and complaint
default judgment	decision made by the court when the defendant fails to respond
defendant	person against whom a civil or criminal proceeding is begun
Federal Parent Locator Service (FPLS)	a service operated by the Office of Child Support Enforcement in the U.S. Department of Health and Human Services to assist the States in locating responsible persons for the purpose of obtaining child support payments; also used in cases of parental kidnapping related to custody and visitation determinations; FPLS obtains employer and home address information from Federal agencies
garnishment	a legal proceeding whereby a portion of a person's wages or other assets is withheld and applied to payment of a debt
jurisdiction	legal authority which a court has over particular persons, certain types of cases, and in a defined geographical area
legal father	a man who is recognized by law as the male parent
lien	a claim upon property to prevent sale or transfer until a debt is satisfied
long-arm statute	a law which permits one State to claim personal jurisdiction over someone who lives in another State
obligated parent	the parent under legal order to pay child support

obligation	amount of money to be paid as support by the responsible parent and the manner by which it is to be paid
offset	amount of money taken from an obligated parent's State or Federal income tax refund to satisfy a child support debt
order	direction of a magistrate, judge or properly empowered administrative officer to a person, made or entered in writing
paternity judgement	legal determination of fatherhood
plaintiff	person who brings an action, complains or sues in a civil case
public assistance	money granted from the State/Federal Aid to Families with Dependent Children program to a person or family for living expenses; eligibility based on need
visitation	the right of a non-custodial parent to visit or spend time with his or her children following separation or divorce
wage withholding	procedure by which automatic deductions are made from wages or income to pay some debt such as child support; may be voluntary or involuntary

REGIONAL OFFICES OF THE OFFICE OF CHILD SUPPORT ENFORCEMENT

REGION I—CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT

OCSE Regional Representative
150 Causeway Street
Room 1300
Boston, Massachusetts 02114
(617) 223-1138

REGION II—NEW YORK, NEW JERSEY, PUERTO RICO, VIRGIN ISLANDS

OCSE Regional Representative
Federal Building, Room 4016
26 Federal Plaza
New York, New York 10278
(212) 264-4021

REGION III—DELAWARE, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA, DISTRICT OF COLUMBIA

OCSE Regional Representative
3535 Market Street
Philadelphia, Pennsylvania 19101
(215) 596-1396

REGION IV—ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE

OCSE Regional Representative
101 Marietta Tower—Suite 2102
Atlanta, Georgia 30323
(404) 221-2180

REGION V—ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN

OCSE Regional Representative
10 West Jackson Boulevard, 4th Floor
Chicago, Illinois 60604
(312) 353-5415

REGION VI—ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS

OCSE Regional Representative
1100 Commerce Street—Room 8A20
Dallas, Texas 75242
(212) 767-3749

REGION VII—IOWA, KANSAS, MISSOURI, NEBRASKA

OCSE Regional Representative
601 East 12th Street—Room 515
Kansas City, Missouri 64106
(816) 374-3584

REGION VIII—COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING

OCSE Regional Representative
Federal Office Building, Room 1137
19th and Stout Streets
Denver, Colorado 80294
(303) 837-5661

REGION IX—ARIZONA, CALIFORNIA, HAWAII, NEVADA, GUAM

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50 United Nations Plaza, Room 338
San Francisco, California 94102
(415) 556-5176

REGION X—ALASKA, IDAHO, OREGON, WASHINGTON

OCSE Regional Representative
Third and Broad Building
2901 Third Avenue, Mail Stop 415
Seattle, Washington 98121
(206) 442-0943

STATE CHILD SUPPORT ENFORCEMENT OFFICES

ALABAMA
Director
Division of Child Support Activities
Bureau of Public Assistance
State Department of Pensions and Security
64 North Union Street
Montgomery, Alabama 36130
(205) 261-2872

ALASKA
Administrator
Child Support Enforcement Agency
Department of Revenue
201 East 9th Avenue, Room 302
Anchorage, Alaska 99501
(907) 276-3441

ARIZONA
Program Administrator
Child Support Enforcement Administration
Department of Economic Security
P.O. Box 6123—Site Code 966C
Phoenix, Arizona 85005
(602) 255-3465

ARKANSAS
Director
Office of Child Support Enforcement
Arkansas Social Services
P.O. Box 3358
Little Rock, Arkansas 72203
(501) 371-2464

CALIFORNIA
Chief
Child Support Program Management Branch
Department of Social Services
744 P Street
Sacramento, California 95814
(916) 323-8994

COLORADO
Director
Division of Child Support Enforcement
Department of Social Services
1575 Sherman Street—Room 423
Denver, Colorado 80203
(303) 866-2422 (866-5000 general information)

CONNECTICUT
Director
Child Support Division
Department of Human Resources
110 Bartholemew Avenue
Hartford, Connecticut 06115
(203) 566-3053

DELAWARE
Chief
Bureau of Child Support Enforcement
Department of Health & Social Services
P.O. Box 904
New Castle, Delaware 19720
(302) 571-3620

DISTRICT OF COLUMBIA
Chief
Office of Paternity and Child Support
Department of Human Services
425 "I" Street, N.W., 3rd Floor
Washington, D.C. 20001
(202) 724-5610

FLORIDA
Director
Office of Child Support Enforcement
Department of Health & Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301
(904) 488-9900

GEORGIA
Director
Office of Child Support Recovery
State Department of Human Resources
P.O. Box 80000
Atlanta, Georgia 30357
(404) 894-5194

GUAM
Supervisor
Child Support Enforcement Unit
Department of Public Health & Social Services
Government of Guam
P.O. Box 2816
Agana, Guam 96910
(671) 734-2947

HAWAII
Director
Child Support Enforcement Agency
Suite 606
770 Kapiolani Boulevard
Honolulu, Hawaii 96813
(808) 548-5779

IDAHO
Chief
Bureau of Child Support Enforcement
Department of Health and Welfare
Statehouse Mail
Boise, Idaho 83720
(208) 334-4422

ILLINOIS
Chief
Bureau of Child Support
Department of Public Aid
316 South Second Street
Springfield, Illinois 62762
(217) 782-1366

INDIANA
Director
Child Support Enforcement Division
State Department of Public Welfare
141 S. Meridian Street, 4th Floor
Indianapolis, Indiana 46225
(317) 232-4894

IOWA
Director
Child Support Recovery Unit
Iowa Department of Social Services
Hoover Building—1st Floor
Des Moines, Iowa 50319
(515) 281-5580

KANSAS
Administrator
Child Support Enforcement Program
Department of Social & Rehabilitation Services
2700 West Sixth
1st Floor, Perry Building
Topeka, Kansas 66606
(913) 296-3237

KENTUCKY
Director
Division of Child Support Enforcement
Department of Social Insurance
Cabinet for Human Resources
275 East Main Street, 6th Floor East
Frankfort, Kentucky 40621
(502) 564-2285

LOUISIANA
Director
Support Enforcement Services
Post Office Box 44276
Baton Rouge, Louisiana 70804
(504) 342-4780

MAINE
Director
Support Enforcement and Location Unit
Bureau of Social Welfare
Department of Human Services
State House, Station 11
Augusta, Maine 04333
(207) 289-2886

MARYLAND
Executive Director
Child Support Enforcement Administration
Department of Human Resources
300 West Preston Street, 5th Floor
Baltimore, Maryland 21201
(301) 383-4773

MASSACHUSETTS
Director
Child Support Enforcement Unit
Department of Public Welfare
600 Washington Street
Boston, Massachusetts 02111
(617) 727-7177

MICHIGAN
Director
Office of Child Support
Department of Social Services
300 South Capitol Avenue—Suite 621
Lansing, Michigan 48909
(517) 373-7570

MINNESOTA
Director
Office of Child Support
Department of Human Services
Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2499

MISSISSIPPI
Director
Child Support Division
State Department of Public Welfare
P.O. Box 352
515 E. Amite Street
Jackson, Mississippi 39205
(601) 354-0341, ext. 503

MISSOURI
Administrator
Child Support Enforcement Unit
Division of Family Services
Department of Social Services
P.O. Box 88
Jefferson City, Missouri 65103
(314) 751-4301

MONTANA
Director
Investigation & Enforcement Bureau
Department of Revenue
Legal & Enforcement Division
Sam Mitchell Building—Room 465
Helena, Montana 59620
(406) 444-2846

NEBRASKA
Administrator
Child Support Enforcement Office
Department of Social Services
P.O. Box 95026
Lincoln, Nebraska 68509
(402) 471-3121, ext. 221

NEVADA
Chief
Child Support Enforcement
Nevada State Welfare Division
Department of Human Resources
430 Jeanell Drive
Carson City, Nevada 89710
(702) 885-4744

NEW HAMPSHIRE
Administrator
Office of Child Support Enforcement Services
Division of Welfare
Health and Welfare Building
Hazen Drive
Concord, New Hampshire 03301
(603) 271-4426

NEW JERSEY
Director
Child Support and Paternity Unit
Department of Human Services
CN 716
Trenton, New Jersey 08625
(609) 633-6268

NEW MEXICO
Chief
Child Support Enforcement Bureau
Department of Human Services
P.O. Box 2348—PERA Building
Santa Fe, New Mexico 87503
(505) 827-4230

NEW YORK
Director
Office of Child Support Enforcement
New York State Department of Social Services
P.O. Box 14, 1 Commerce Plaza
Albany, New York 12260
(518) 474-9081

NORTH CAROLINA
Chief
Child Support Enforcement Section
Division of Social Services
Department of Human Resources
433 N. Harrington Street
Raleigh, North Carolina 27603-1393
(919) 733-4120

NORTH DAKOTA
Administrator
Child Support Enforcement Agency
North Dakota Department of Human Services
State Capitol
Bismarck, North Dakota 58505
(701) 224-3582

OHIO
Chief
Bureau of Child Support
Ohio Department of Human Services
State Office Tower
30 East Broad Street—31st Floor
Columbus, Ohio 43215
(614) 466-3233

OKLAHOMA
Administrator
Attention: Division of Child Support
Department of Human Services
P.O. Box 25352
Oklahoma City, Oklahoma 73125
(405) 424-5871

OREGON
Director
Child Support Program
Department of Human Resources
Adult and Family Services Division
P.O. Box 14506
Salem, Oregon 97309
(503) 378-6093

PENNSYLVANIA
Director,
Child Support Programs
Bureau of Claim Settlement
Department of Public Welfare
P.O. Box 8018
Harrisburg, Pennsylvania 17105
(717) 783-1779

PUERTO RICO
Director
Child Support Enforcement Program
Department of Social Services
P.O. Box 11398, Fernandez Juncos Station
Santurce, Puerto Rico 00910
(809) 722-4731

RHODE ISLAND
Chief Supervisor
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Department of Social & Rehabilitative Services
77 Dorance Street
Providence, Rhode Island 02903
(401) 277-2409

SOUTH CAROLINA
Director
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Public Assistance Division
Bureau of Public Asst. & Field Operations
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Nashville, Tennessee 37203
(615) 741-1820

TEXAS
Director
Child Support Enforcement Branch
Texas Department of Human Resources
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Austin, Texas 78769
(512) 450-3011

UTAH
Director
Office of Recovery Services
Department of Social Services
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3195 South Main Street
Salt Lake City, Utah 84115
(801) 486-1812

VERMONT
Director
Child Support Division
Department of Social Welfare
103 South Main Sreet
Waterbury, Vermont 05676
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VIRGIN ISLANDS
Director
Paternity & Child Support Program
Department of Law
P.O. Box 1074
Christiansted
St. Croix, Virgin Islands 00820
(809) 773-8240

VIRGINIA
Director
Division of Support Enforcement Program
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23288
(804) 281-9108

WASHINGTON
Chief
Office of Support Enforcement
Department of Social & Health Services
P.O. Box 9162-FU-11
Olympia, Washington 98504
(206) 459-6481

WEST VIRGINIA
Director
Office of Child Support Enforcement
Department of Human Services
1900 Washington Street, East
Charleston, West Virginia 25305
(304) 348-3780

WISCONSIN
Director
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Division of Economic Assistance
18 South Thornton Avenue
Madison, Wisconsin 53708
(608) 266-0528

WYOMING
Director
Child Support Enforcement Section
Div. of Public Assistance & Social Services
State Dept. of Health & Social Services
Hathaway Building
Cheyenne, Wyoming 82002
(307) 777-6083

Child Support Enforcement Office _____

_____

_____

Enforcement caseworker _____

Case Number _____

State Enforcement Agency _____

_____

_____

Lawyer _____

_____

_____

Courts:

Custodial Parent _____

_____

Noncustodial Parent _____

_____

Present Support Obligation: $ _____ To be paid: _____

CHILD SUPPORT ENFORCEMENT CASE LOG

Action Taken	*Date*	*Outcome*

NOTES

For more information on how the child support system works in your State, contact your State Child Support Enforcement agency. For technical information on program management topics, write the National Child Support Enforcement Reference Center, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Maryland 20852.

CHILD SUPPORT ENFORCEMENT RECORDS

Custodial Parent _____

Address _____

_____

Names of Dependent Children	Dates of Birth
_____	_____
_____	_____
_____	_____
_____	_____

Noncustodial Parent _____

Address(es) _____

_____

_____

_____

_____

Social Security Number	Date and Place of Birth
_____	_____

	Dates
Employer(s) _____	_____
_____	_____
_____	_____
_____	_____